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|  | LANE COUNTY SHERIFF'S OFFICE POLICY | Number: G.O. 6.33 |
| | | Issue Date: March 21, 2005 |
| | | Revision Date: August 27, 2018 |
| CHAPTER: Human Resources | | Related Policy: Lane County APM Chapter 3, Section 35 |
| SUBJECT: Military Leave | | Related Laws: Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) |

POLICY: Employees, including probationary employees, who leave employment for the purpose of military training, service, or examination will have all the employment and reemployment rights and privileges provided by law (USERRA excludes those employees who are part-time, seasonal, or temporary). The law states that the Veteran or Reservist is to be reemployed in the same position or a position of “like seniority, status and pay,” as if he or she had remained on the job instead of performing military service.

However, if the County has experienced lay-offs or the downgrading of positions and can prove that the returning employee would have been adversely affected had he/she been there, the employee may be reemployed in a lower job or, in some cases, not reemployed at all.

Regarding seniority, the Sheriff’s Office will treat returning Veterans as though they continued to accrue seniority during their military service. Additionally, the pay rate of the returning employee is subject to the same COLA’s and merit increases and series upgrades that would have applied during their absence.

A Reservist or National Guard member will not be required to use his or her accrued leave time for military training.

A Veteran will not be discharged during his or her military service. Additionally, once the Veteran is reemployed, the Veteran will not be discharged except for cause, for one (1) year or six (6) months in the case of a Reservist.

RULE:

1. The Lane County Sheriff’s Office will comply with all the requirements of USERRA.
2. Employees are eligible for 11 days of paid military leave per military year. It is the employee’s responsibility to track those 11 days.
3. Employees must obtain approval from the Sheriff or designee via memo sent through the chain of command to use un-paid leave during their military leave.
4. Employees are eligible for this benefit on their hire date.

PROCEDURE:

I. Required Notice by Employee

- A. The employee is required to give their supervisor oral or written notice of leaving a job to go on active duty for military service as soon as practical.

II. Reemployment Rights

- A. To obtain reemployment rights, Veterans returning from active duty must:
 - 1. Notify their former supervisor of their intention to resume their former jobs within:
 - a. 14-days of release from duty, if gone 31 to 180 days.
 - b. 90-days of release from duty, if gone 181+ days.
 - c. If absent from 1-30 days, the employee must report to work the beginning of the next regularly scheduled work period.
 - 2. The employee must not exceed five years of cumulative periods of service in order to obtain reemployment rights. (The five-year period begins with military service after December 12, 1994.) Not included in this calculation are drills; annual training; involuntary recall to or retention on active duty; voluntary or involuntary active duty in support of a war; national emergency; certain operational missions; or additional training requirements certified in writing by the military Service Secretary.
 - 3. The employee must be released from service under honorable conditions. (Employee must present DD214 form to Human Resources upon his/her return).